

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Case No. 14bk45427
AEC ELECTRIC CORP.) Chapter 7
Debtor.) Honorable Timothy A. Barnes

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER
AWARDING TO CARLSON DASH, LLC, ATTORNEYS FOR TRUSTEE, FOR
ALLOWANCE AND PAYMENT OF SECOND INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES**

TOTAL FEES REQUESTED:	\$ 73,001.00	TOTAL COSTS REQUESTED:	\$ 1,030.73
TOTAL FEES REDUCED:	\$ 2,702.30	TOTAL COSTS REDUCED:	\$ 0.00
TOTAL FEES ALLOWED:	\$ 70,299.00	TOTAL COSTS ALLOWED:	\$ 1,030.73

TOTAL FEES AND COSTS ALLOWED: \$ 71,014.43

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the left of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(1) Duplication of Services – TOTAL of disallowed amounts: \$ 189.00

The Court denies the allowance of compensation for services that duplicate those of another professional or paraprofessional. *See 11 U.S.C. § 330(a)(4)(A)(i)*. Reduction in fees is warranted if multiple attorneys from the same firm appear in court on a motion or argument or for a conference, unless counsel adequately demonstrates that each attorney present contributed in some meaningful way. *In re Pettibone*, 74 B.R. 293, 307 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“A debtor’s estate should not bear the burden of duplication of services. If found in the record, such duplication shall be disallowed by the court as unnecessary.”). It is also an accepted principle that generally no more than one attorney may bill for time spent in an intra-office conference or meeting absent an adequate explanation. *See In re Adventist Living Ctrs., Inc.*, 137 B.R. 701, 716 (Bankr. N.D. Ill. 1991) (Sonderby, J.); *In re Pettibone*, 74 B.R. at 303.

(2) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$ 53.30

The Court may impose a ten percent penalty on entries that appear to be “lumping.” The Court will reduce each entry marked as such per the penalty. *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”).

(3) Insufficient Description – TOTAL of disallowed amounts: \$ 2,379.00

The Court denies the allowance of compensation for the indicated task(s) as the description of each task fails to identify in a reasonable manner the service rendered. *In re Pettibone*, 74 B.R. 293, 301 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“A proper fee application must list each activity, its date, the attorney who performed the work, a description of the nature and substance of the work performed, and the time spent on the work. [Citation omitted] Records which give no explanation of the activities performed are not compensable.”); *In re Wildman*, 72 B.R. 700, 708-9 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (same). In this case, counsel often noted a communication with one party but did not note what the communication concerned; therefore, the court was unable to determine the benefit to the estate.

(4) Computational or Typographical Error – TOTAL of disallowed amounts: \$ 81.00

The court denies the allowance of compensation for the following tasks because the amount of fees appears to be a computational or typographical error. In this case, there were two charges on the same day for the same counsel attending the same hearing. The court assumes one is a duplicate.

Dated: 03 MAY 2016



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Timothy A. Barnes
United States Bankruptcy Judge

03 MAY 2016

Exhibit A
Collections Accounts Receivable

Date	Lwyr	Hours	Rate	Amount	Explanation
09/01/15	JEA	1.5	\$350.00	\$525.00	Communications with P. Levey regarding mechanic lien claims (.3); prepare correspondence on One Schiller (.2); review draft order on Paramount (.2); update accounts receivable spreadsheet (.3); conference with A. Sharp and J. Dash regarding Northwestern University production (.3); communications with M. Linder (.2).
09/01/15	JMD	0.7	\$340.00	\$238.00	Conference with J. Altshul regarding agreement to lift stay on Paramount claims against non-NU properties and regarding status of discussions regarding claimants' timing of document review (.2); e-mail correspondence to opposing counsel J. Ziegler regarding same (.1); review proposed order regarding same (.1); prepare for and conference call regarding general Northwestern document production and begin to strategize regarding same (.3).
09/01/15	ALS	2.9	\$270.00	\$783.00	Continued review of Northwestern documents (.2); correspondence with S. Gaul regarding review of documents and creation of comparison chart (.1).
09/02/15	JMD	0.1	\$340.00	\$34.00	Brief review of Gus Berthold documents on Midland Manufacturing project and advice regarding lifting the stay on same (.1).
09/02/15	ALS	1.4	\$270.00	\$378.00	Continued review of documents produced by Northwestern (.1); review 9019 Motion to compromise between National Heat and Power and Northwestern to provide edits (.1); short intake review of Gus Berthold response to Rule 2004 request (.2).
09/02/15	JEA	1.5	\$350.00	\$525.00	Prepare and review correspondence to M. Linder and R. Gustafson regarding National Power 9019 motion, affidavit, and order (1.1); conference with S. Evans regarding MEPIIS 9019 motion (.2); review correspondence from J. Ziegler regarding Northwestern University (.2).
09/02/15	JMD	0.4	\$340.00	\$136.00	Prepare for and meeting with A. Sharp and S. Gaul regarding Northwestern document production, organization of same and objectives (.4).
09/02/15	JMD	0.4	\$340.00	\$136.00	Review motion to compromise National Heat & Power receivable and review proposed subcontractor's affidavit (.2); draft revised affidavit (.2).
09/02/15	JMD	0.1	\$340.00	\$34.00	Review trustee subpoena to NorthWestern and comment on scope of same (.1).
09/03/15	JEA	1.4	\$350.00	\$490.00	Review correspondence from M. Newman regarding lien claims (.2); revise accounts spreadsheet (.3); communications and correspondence with M. Linder regarding NUJT to P. Levey (.2).
09/03/15	ALS	0.3	\$270.00	\$81.00	Review several motions for 9019 and provide revisions and edits to the same (.3).
09/03/15	SWE	1.0	\$180.00	\$180.00	Revisions to 9019 motion for MEPIIS (.8); draft proposed order for 9019 Motion for MEPIIS (1.0)
09/04/15	JMD	0.2	\$340.00	\$68.00	Confer with J. Altshul regarding Berthold mechanic's lien claim and agreement to lift stay (.1); communications to Berthold attorney D. Trout regarding consent to lifting stay (.1).
09/04/15	JEA	0.8	\$350.00	\$280.00	Review order (.2); conference with S. Evans regarding 9019 motions (.2); review correspondence from R. Gustafson (.2); review revisions to National Heat draft order (.2).
09/08/15	JEA	0.2	\$350.00	\$70.00	Prepare and review multiple correspondence with D. Trout regarding relief from stay (.2).
09/08/15	JEA	1.8	\$350.00	\$630.00	Prepare and review multiple correspondence with M. Linder and R. Gustafson regarding National Heat 9019 motion (.4); revise draft of National Heat motion, order, and affidavit (.5); prepare correspondence to P. Levey regarding receivables (.2); correspondence and communications with R. Gustafson regarding National Heat order (.7);
09/08/15	JMD	0.5	\$340.00	\$170.00	Review and consideration of correspondence from National Heat & Power attorney R. Gustafson and J. Altshul regarding same (.2); draft and revise proposed correspondence to R. Gustafson regarding mechanic's lien law and protections (.3).
09/09/15	ALS	0.2	\$270.00	\$54.00	Correspondence with J. Altshul regarding status of 9019s and accounts receivable (.2).
09/09/15	SWE	0.6	\$180.00	\$108.00	Draft 9019 motion and proposed order for settlement with NUJTG (.6).
09/09/15	JEA	1.0	\$350.00	\$350.00	Prepare and review multiple correspondence to M. Linder and R. Gustafson regarding National Heat settlement (.3); review correspondence from J. Ziegler regarding Northern University claims (.2); review correspondence from T. Sobriera regarding Berthold draft order (.2); multiple conferences with S. Evans re 9019 motions (.3).
09/09/15	JEA	0.7	\$350.00	\$245.00	Review correspondence from M. Newman regarding Northwestern University claims (.2); review and revise NUJTG 9019 motion (.3); prepare correspondence to M. Linder regarding NUJTG (.2).
09/09/15	LC2	8.0	\$90.00	\$720.00	Review documents and record information regarding contractor payments and amounts due (8.0).

Exhibit A
Collections Accounts Receivable

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Date	Lwyr	Hours	Rate	Amount	Explanation
09/09/15	JEA	0.4	\$350.00	\$140.00	Prepare correspondence to G. Howard of MEPIS (.4).
09/09/15	KAI	0.3	\$110.00	\$33.00	Update creditors matrix in preparation for filing 9019 motions (.3).
09/10/15	JEA	0.6	\$350.00	\$210.00	Review multiple correspondence from M. Linder and M. Newman (.2); correspondence from R. Gustafson from National Heat (.2); prepare and review multiple correspondence to R. Gustafson from National Heat (.2).
09/11/15	JMD	0.2	\$340.00	\$68.00	Conference with M. Newman for Brook Electrical regarding document production, possible settlement and difficulties with same (.2).
09/11/15	JEA	1.2	\$350.00	\$420.00	Multiple conferences with S. Evans regarding settlement motions (.4); prepare and review multiple correspondence with R. Gustafson and M. Linder regarding National Heat (.2); prepare correspondence to P. Levey regarding National Heat Settlement (.2); prepare correspondence to M. Linder regarding Northwestern University Information Technology Group (.2); conference with P. Levey regarding settlements (.2).
09/11/15	SWE	0.3	\$180.00	\$54.00	Revise and incorporate changes to proposed order to 9019 Motion for National Power and Heat (.3).
09/11/15	SWE	0.3	\$180.00	\$54.00	Final changes and final review to 9019 motions as to MEPIS before filing of same (.3).
09/15/15	JEA	0.4	\$350.00	\$140.00	Prepare and review correspondence to M. Linder regarding NUIT and National Heat (.2); communications with P. Levey regarding settlements (.2).
09/16/15	JEA	0.6	\$350.00	\$210.00	Prepare correspondence to P. Levey regarding National Heat (.3); review correspondence from M. Linder regarding Northwestern University Information Technology Group and review comments to motion and orders (.3).
09/16/15	KAI	0.3	\$110.00	\$33.00	Update accounts receivable spreadsheet with Northwestern University information and provide copies of available invoices to J. Altshul (.3).
09/17/15	JEA	0.7	\$350.00	\$245.00	Communications with J. Prostia regarding Naperville Animal Hospital (.2); review correspondence from M. Linder regarding Northwestern University Information Technology Group (.2); conference with K. Idstein regarding Northwestern University receivables and spreadsheet (.3).
09/17/15	JMD	0.3	\$340.00	\$102.00	Consideration of MEPIS receivable and communications with other client regarding custom and practice in the industry about charges for tooling to which MEPIS objects and advise J. Altshul regarding same (.3)
09/17/15	KAI	1.9	\$110.00	\$209.00	Continue updating accounts receivable spreadsheet with Northwestern University information regarding invoices; print and review Northwestern University invoices and forward same to J. Altshul for review (.1).
09/17/15	JMD	0.5	\$340.00	\$170.00	Review correspondence regarding MEPIS receivable and consider scope issues in billing same (.2); review correspondence regarding propose release requested by Northwestern and consider scope issues regarding same (.2); review correspondence regarding Naperville Animal Hospital receivable and e-mail correspondence to J. Altshul regarding same (.1).
09/17/15	KMC	0.2	\$350.00	\$70.00	Review email from J. Dash regarding status due from borrower (.2).
09/18/15	JEA	0.8	\$350.00	\$280.00	Communications with D. Bach of Power Construction (.2); prepare correspondence to G. Howard of MEPIS (.2); communications with S. Clar regarding MEPIS (.1); prepare correspondence to D. Bach of Power Construction regarding accounts receivable (.3).
09/18/15	JEA	2.8	\$350.00	\$980.00	Conference with J. Dash regarding Northwestern University Information Technology Group, Power Construction, National Heat, and MEPIS (.8); revise Northwestern University Information Technology Group motion and order (.4); revise National Heat motion and order (.4); prepare correspondence to M. Linder regarding Northwestern University Information Technology Group (.2); prepare correspondence to M. Linder and R. Gustafson regarding National Heat (.2); prepare correspondence to Power Construction regarding revised balance (.3); update accounts receivable spreadsheet (.3); communications with P. Levey regarding MEPIS (.2).
09/18/15	KAI	0.7	\$110.00	\$77.00	Update northwestern University accounts receivable worksheet to include invoice numbers and location work is being done and forward to J. Altshul (.7).
09/20/15	JEA	1.1	\$350.00	\$385.00	Review correspondence from S. Clar (.2); work with AEC spreadsheet regarding Northwestern University jobs and locating street addresses (.5); review amount of claims on Northwestern University projects (.4).
09/21/15	KAI	0.4	\$110.00	\$44.00	Assist J. Altshul with research on tax pin numbers for two properties listed on Bright Electrical Subcontractor's claim for lien (.2); assist with preparing pleadings for filing with bankruptcy court (.2).

Exhibit A
Collections Accounts Receivable

Date	Lwyr	Hours	Rate	Amount	Explanation
09/21/15	JEA	0.8	\$350.00	\$280.00	Prepare and review multiple correspondence to S. Clar regarding MEPIs (.2); prepare and review correspondence from M. Linder and comments to draft on Northwestern University Information Technology Group (.4); communications with M. Linder regarding Northwestern University Information Technology Group (.2).
09/21/15	JEA	1.2	\$350.00	\$420.00	Prepare and review multiple correspondence with M. Linder regarding Northwestern University Information Technology (.3); correspondence to P. Levey regarding Northwestern University Information Technology (.2); continue research on lien claims v. AEC Northwestern University list (.5); communications with P. Levey regarding settlement (.2).
09/21/15	JMD	0.8	\$340.00	\$272.00	Review and revise proposed motion to approve settlement on NUIT project (.2); review Bright Electric lien claims and attempt to discern which property each encumbers (.3); review and consider waivers of lien and contractor's affidavits from GeoSolar Energy regarding Naperville Animal Hospital project and J. Altshul regarding same (.3).
09/21/15	JMD	0.1	\$340.00	\$34.00	Correspondence to/from M. Linder for NU regarding same (.1).
09/22/15	JMD	0.5	\$340.00	\$170.00	Conference with J. Altshul regarding rules for Illinois sworn statements under the Mechanics Lien Act (.2); review of correspondence from Northwestern attorney M. Linder regarding his expectations regarding same (.1); correspondence with D. Bach with Power Construction regarding status of AEC receivable and alleged work left unfinished by AEC (.2).
09/22/15	JEA	1.2	\$350.00	\$420.00	Prepare correspondence to S. Clar regarding Northwestern University accounts receivable (.5); review correspondence from R. Gustafson regarding National Heat (.5); revise lien waiver and affidavit on National Heat (.2).
09/24/15	JEA	1.2	\$350.00	\$420.00	Conference with J. Dash regarding National Heat and lien claims (.8); review Berthold document production (.2); communications with P. Levey regarding status of accounts (.2).
09/24/15	JMD	0.8	\$340.00	\$272.00	Review Gus Berthold mechanic's lien claim and develop possible ground of facial invalidity; brief research regarding same and advise J. Altshul (.8).
09/24/15	JMD	0.2	\$340.00	\$68.00	Review National Heat & Power draw documents per J. Altshul and communications with J. Altshul regarding same (.2).
09/25/15	JEA	0.2	\$350.00	\$70.00	Conference with J. Dash regarding National Heat and lien claims (.2).
09/25/15	ALS	0.2	\$270.00	\$54.00	correspondence and strategy regarding requesting additional documents from G. Berthold (.2).
09/25/15	SWE	0.1	\$180.00	\$18.00	Status of settlement with various parties owing payment to bankruptcy estate (.1).
09/25/15	JMD	1.2	\$340.00	\$408.00	Review documents produced to date by Gus Berthold Electric and piece together likely scenario and possible invalidity of secured claim (.1); communications with J. Altshul regarding same (.1)
09/28/15	JMD	0.9	\$340.00	\$306.00	Begin initial review of documents produced by Paramount E-O for culling assignment (.2); communications with D. Bach of Power Construction regarding undisputed portions of AEC account receivable and calculation of same (.4); call and follow-up to D. Trout regarding Gus Berthold document production and draft correspondence to D. Trout regarding same (.3).
09/29/15	JMD	0.3	\$340.00	\$102.00	Conference with S. Gaul regarding needs for review and inventory of Paramount documents, expected end product and timing (.3).
10/01/15	JEA	1.1	\$350.00	\$385.00	Prepare correspondence to M. Morrison at One Schiller with revised invoice (.2); review files for missing invoices (.5); prepare correspondence to P. Levey regarding fee application (.2); prepare correspondence to J. Cowl of Rex Electric & Technologies regarding missing invoice (.2).
10/02/15	JMD	0.7	\$340.00	\$238.00	Conference with J. Altshul regarding various aspects of defenses to Gus Berthold and Paramount claims and regarding status of Naperville Animal Clinic claim by estate (.5); follow-up with D. Trout regarding Gus Berthold document production (.2).
10/02/15	JEA	1.8	\$350.00	\$630.00	Prepare and review multiple correspondence with J. Cowl at Rex Electric & Technology (.1.0); conference with J. Dash regarding lien claims and National Power (.3); conference with J. Dash and A. Sharp regarding action steps on accounts receivable and lien claims (.5).
10/02/15	JEA	0.3	\$350.00	\$105.00	Review correspondence from M. Linder and M. Newman regarding Northwestern University receivable (.3).